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July 29, 2014

By ECF

The Honorable Lorna G. Schofield
United States District Court
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007

Re: 1:10-cv-03959, *Kriss et al v. Bayrock Group LLC et al.*
Sealed complaint on recapthelaw.org

Dear Judge Schofield:

We represent defendants Bayrock Group LLC, Bayrock Spring Street LLC, Bayrock Whitestone LLC, Bayrock Camelback LLC, and Bayrock Merrimac LLC (collectively herein, "Bayrock"). We write to update Your Honor regarding our previous request by letter on June 30 that Plaintiffs be ordered to take steps to have the sealed complaint in the related action 13-cv-3905, *Kriss et al. v. Bayrock Group LLC et al.* ("*Kriss II*") removed from the shadow PACER website, recapthelaw.org.

The June 30 letter concerned Plaintiffs' violation of a sealing order (*Kriss II* ECF No. 69) with regards to the complaint in the action by publicly filing a video demonstration as to how to access the complaint on recapthelaw.org as Exhibit 1 and a copy of the complaint as Exhibit 3 to their reply in further support of their motion for relief from certain aspects of magistrate's pre-trial orders (ECF No. 88). Plaintiffs argued in their reply that the complaint should no longer be sealed because it was available on recapthelaw.org and thus the "genie is out of the bottle". We asked, *inter alia*, in our June 30 letter that Plaintiffs be ordered to take steps to have the complaint removed from recapthelaw.org because they were responsible for the improper disclosure in the first place when they publicly filed the complaint in direct violation of Your Honor's sealing orders.

On July 2, we wrote to Recapthelaw.org advising them that the sealed complaint was allegedly publicly available on their site in violation of a sealing order and requesting its removal. By letter on July 28, Recapthelaw.org responded that it had removed the complaint from their websites as "it is the general policy of the RECAP project to suppress a document when we become aware of a court order sealing it." Thus, a court order directing Plaintiffs to take steps to have the sealed complaint removed from recapthelaw.org is no longer needed.

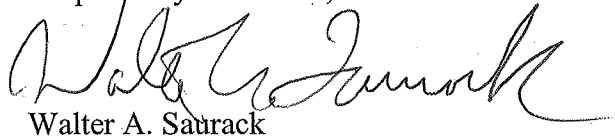
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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Walter A. Saurack', written in a cursive style.

Walter A. Saurack

cc: (via email) Frederick M. Oberlander, Esq.

Richard Lerner, Esq.

Michael Beys, Esq.